

PD-0715-17

In the
Texas Court of Criminal Appeals
at Austin

FILED
COURT OF CRIMINAL APPEALS
5/18/2018
DEANA WILLIAMSON, CLERK

—◆—
No. 14-15-00502-CR
In the Court of Appeals for the
Fourteenth District of Texas
at Houston
—◆—

JOSEPH SMITH

Appellant
V.

THE STATE OF TEXAS

Appellee
—◆—

STATE'S MOTION FOR EXTENSION OF TIME WITHIN
WHICH TO FILE STATE'S REPLY BRIEF ON
DISCRETIONARY REVIEW
—◆—

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

THE STATE OF TEXAS, pursuant to TEX. R. APP. P. 10.1, 10.5(b), 38.6(d), and 68.2, moves for an extension of time within which to file its reply brief on discretionary review. In support of its motion, the State submits the following:

1. Appellant was indicted with aggravated robbery.
2. Appellant entered a plea of "not guilty."
3. A jury found appellant guilty as charge and later assessed his punishment at confinement for life.

4. The Fourteenth Court of Appeals affirmed appellant's conviction and punishment in a published opinion (with both consenting and dissenting opinions filed).
5. Motions for rehearing and en banc consideration were filed and denied.
6. This Court granted appellant's Petition for Discretionary Review on December 13, 2017.
7. Appellant's brief on discretionary review was filed April 11, 2018.
8. The State's response was due on May 11, 2018.
9. The State requests a 14-day extension until May 25, 2018.
10. The following facts are relied upon to show good cause for the requested extension:
 - a. The appellate prosecutor originally assigned this case, and who worked on the brief and record in the intermediate appellate court, is no longer with the Harris County District Attorney's Office.
 - b. The undersigned appellate prosecutor was assigned this case on April 23, 2018.
 - c. Since then, the undersigned appellate prosecutor filed two briefs (with precarious deadlines) and then began work on this assignment.
 - d. The undersigned appellate prosecutor is currently working solely on this case, but needs more time (one week from today is sufficient).
 - e. The State's motion is not for purposes of delay, but so that justice may be done.

WHEREFORE, the State prays that this Court will grant the requested extension until May 25, 2018.

Respectfully submitted,

/s/ Bridget Holloway

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CERTIFICATE OF SERVICE

This certifies the undersigned attorney requested that a copy of this document be served to appellant's Assistant Public Defender, and the State Prosecuting Attorney, via TexFile at the following emails on May 18, 2018:

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/s/ Bridget Holloway

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